

PROTOCOL

PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.

If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the
- 2 standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) age(b) disability(c) gender reassignment(d) pregnancy and maternity(e) race(f) religion or belief(g) sex(h) sexual orientation

Equality Analysis

Birmingham City Council Analysis Report

EA Name LD Respite Care MIA 21

Directorate People

Service Area Adults - Specialist Care Services

Type Amended Function

EA Summary To undertake an Equality Assessment regarding the proposal contained with the 2016 Budget Consultation regarding the LD Respite Care Service.

Reference Number EA001182

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Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Overall Purpose

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

Impact

Consultation

Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

1 Activity Type

The activity has been identified as an Amended Function.

2 Overall Purpose

2.1 What the Activity is for

(What is the purpose of this Function and expected outcomes?)

Birmingham City Council intends to reorganise its internally provided services, so that people may choose to buy these or different community based services which meet their assessed needs. In the short term we intend to make better use of spare capacity in these services.

The Council gives people a personal budget, of which all or some can be taken as a Direct Payment, to spend on their care and support services. In the longer term this means we need to move away from block funding the present Council Short Breaks Services and instead give people who are eligible for support a personal budget. We will encourage eligible service users to take this budget as a Direct Payment, from which they can buy a range of services including traditional residential short breaks, support from a personal assistant, or other types of community based support. The Councils approach will be to encourage people to manage their own resources and care wherever they can to maximise their independence.

Outcomes:

Financial savings to the public purse.

Contribution to the reduction in the Councils overall workforce

An increase in the range of services people can buy with a Direct Payment.

An improvement in the overall quality of services available for people to buy should they chose to do so.

Contribute to increase in the numbers of people directing and coordinating their own care and support.

To deliver the identified Budget 2016+ savings.

For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence Yes

A Fair City Yes

A Prosperous City Yes

A Democratic City Yes

2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders? Yes

Will the policy have an impact on employees? Yes

Will the policy have an impact on wider community? Yes

2.3 Analysis on Initial Assessment

The proposal should have a positive impact on the key strategies:

Public Service Excellence, A Fair City, A Prosperous City and a Democratic City.

The proposal will have an impact on services users, their carers and staff who work at the Short Break Centres.

All of the Protected Characteristics Groups were initially assessed to establish if the proposals would impact them and at this stage 3 groups have identified as not relevant: Gender Re-assignment, Marriage & Civil Partnership and Sexual Orientation. Some of the other groups may also be determined to be not relevant as work on this impact assessment develops. However, those that have been identified as being impacted include: Age, Disability and Gender, so these areas will be the focus of the Equality Analysis in the future.

3.1 Age

3.1.1 Age - Differential Impact

Age Relevant

3.1.2 Age - Impact

Describe how the Function meets the needs of Individuals of different ages?

The short breaks services meet the needs of people of a number of different ages from age 18 upwards. There is no upper age limit for access to the service. Of the people who attend

The Laurels and Brook House (131 per service user data) the percentage that fall into the different age groups is as follows (Source: CareFirst):

18-29 years 26%
30-39 years 18%
40-49 years 20%
50-59 years 19%
60+ years 15%

There is a broad and fairly even spread of users across the different age groups. Any age specific needs are met by the provider through an individual support plan.
The proposed replacement services are accessible to adults above 18 years old. There is no upper age limit for access to the proposed replacement services. In this sense there will be no change for service users in respect of their age.

Family carers also use the service to provide them with a break from their caring duties. The percentage of users by different age groups is as follows (Source: Carefirst):

18-29 years 1%
30-39 years 4%
40-49 years 17%
50-59 years 28%
60+ years 43%

As would be expected family carers are generally older than the people they care for. The majority of carers are over 50 and so the changes will affect this age group proportionately more than those under 50. However, since the age of the carer is no restriction on access to services then there is not an adverse impact on the group.

The breakdown of the age range of staff is below:

Age 30 - 39	3
Age 40 - 49	16
Age 50 – 59	28
Age 60 – 69	4
Total	51

Over half of the staff are over the age of 50.

Do you have evidence to support the assessment? Yes

Please record the type of evidence and where it is from?

Data captured from Care First (service user data base). Information from providers and the Care Quality Commission confirms the accessibility to the proposed new services for the different age groups. HR records for staff.

Have you received any other feedback about the Function in meeting the needs of Individuals of different ages?

No

You may have evidence from more than one source. If so, does it present a consistent view?

Yes

Is there anything about the Function and the way it affects Individuals of different ages which needs highlighting?

Yes

3.1.3 Age - Consultation

Have you obtained the views of Individuals of different ages on the impact of the Function?

No

If not, why not?

There are plans to consult relevant individuals.

Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals of different ages?

No.

If not, why not?

There are plans to consult relevant stakeholders.

Is there anything about the Function and the way it affects Individuals of different ages which needs highlighting?

Not Answered Yet

3.1.4 Age - Additional Work

Do you need any more information to complete the assessment?

No

Do you think that the Function has a role in preventing Individuals of different ages being treated differently, in an unfair or inappropriate way, just because of their age?

Not Answered Yet.

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?

Not Answered Yet

3.2 Disability

3.2.1 Disability - Differential Impact

Disability Relevant

3.2.2 Disability - Impact

Describe how the Function meets the needs of Individuals with a disability?

The function provides short breaks/respite care to people with learning disabilities or other vulnerable adults, and respite to their family carers. 100% of the people attending the services have a learning disability, multi-sensory impairment, or are classed as a vulnerable adult. The proposed replacement services are accessible to people with learning disabilities, multi-sensory impairments, physical disabilities and other vulnerable adults. Any specific disability related needs will be met by the provider through an individual support plan.

Within the staff group there are no known disabilities. This also applies to the carers group. Both of these statements will be continually validated throughout the process.

Do you have evidence to support the assessment? Yes

Please record the type of evidence and where it is from?

Care first user data base. Information from providers and the Care Quality Commission confirm the accessibility to the alternative services for the different disability groups. HR records for staff.

Have you received any other feedback about the Function in meeting the needs of Individuals with a disability?

No

You may have evidence from more than one source. If so, does it present a consistent view?

Yes

Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?

Yes

3.2.3 Disability – Consultation

Have you obtained the views of Individuals with a disability on the impact of the Function?

No

If not, why not?

There are plans to consult relevant individuals.

Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals with a disability?

No

If not, why not?

There are plans to consult relevant stakeholders.

Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?

Not Answered Yet

3.2.4 Disability - Additional Work

Do you need any more information to complete the assessment?

No

Do you think that the Function has a role in preventing Individuals with a disability being treated differently, in an unfair or inappropriate way, just because of their disability?

Not Answered Yet

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?

Not Answered Yet

Do you think that the Function will take account of disabilities even if it means treating Individuals with a disability more favourably?

Not Answered Yet.

Do you think that the Function could assist Individuals with a disability to participate more?

Not Answered Yet.

Do you think that the Function could assist in promoting positive attitudes to Individuals with a disability?

Not Answered Yet

3.3 Religion or Belief

3.3.1 Religion or Belief - Differential Impact

Religion or Belief Relevant

3.3.2 Religion or Belief - Impact

Describe how the Function meets the needs of Individuals of different religions or beliefs?

The current service meets the needs of people of different religions and beliefs. The proportion of people using the service in the different religions is as follows:

Protestant 37%

Muslim 15%

Roman Catholic 17%

None 8%

Other including those listed below 23%

Christian Orthodox

Hindu

Information not yet obtained

Multiple Religions Recorded

Rastafarian

Refused

Seventh Day Adventist

Sikh

The proposed new providers have confirmed that they will meet the needs of people of different religions and beliefs according to their support plan.

Carers - Religion or belief data is not available as this not requested for carers database (Care First)

The data for Staff shows that of the 51 staff, 50 have not declared their religion and one has stated that they are a Christian.

Do you have evidence to support the assessment?

Yes

Please record the type of evidence and where it is from?

Care First (service user and carer's database). HR records for staff.

Have you received any other feedback about the Function in meeting the needs of Individuals of different religions or beliefs?

Yes

Please record the nature of such feedback.

The proposed new providers have confirmed that they will meet the needs of people of different religions and beliefs according to their individual support plan.

You may have evidence from more than one source. If so, does it present a consistent view?

Yes

Is there anything about the Function and the way it affects Individuals of different religions or beliefs which needs highlighting?

No

3.3.3 Religion or Belief – Consultation

Have you obtained the views of Individuals of different religions or beliefs on the impact of the Function?

Not Answered Yet

Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals of different religions or beliefs?

Not Answered Yet

Is there anything about the Function and the way it affects Individuals of different religions or beliefs which needs highlighting?

Not Answered Yet

3.3.4 Religion or Belief - Additional Work

Do you think that the Function has a role in preventing Individuals of different religions or beliefs being treated differently, in an unfair or inappropriate way, just because of their religion or belief?

Not Answered Yet

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?

Not Answered Yet

3.4 Gender

3.4.1 Gender - Differential Impact

Gender Relevant

3.4.2 Gender - Impact

Describe how the Function meets the needs of Men and women?

The service is currently available to both men and women. This will continue in the new provision. Of the people that attend the service 62% are male and 38% are female.

Of the carers that use the service 77% are female and 23% are male. The database only has capacity to record one/primary carer therefore there may be additional carers of other genders that have not been recorded.

Gender of the service user and carer is not a barrier to accessing the new service provision.

Of the 51 staff, 38 are female and 13 are male, so the majority are female..

Do you have evidence to support the assessment?

Yes

Please record the type of evidence and where it is from?

Care First (service users data base) for service users and carers.
Information from the alternative providers and the CQC confirm the accessibility to the new service providers to the different gender groups. HR records for staff.

Have you received any other feedback about the Function in meeting the needs of Men and women?

Yes

Please record the nature of such feedback

Information from the alternative providers and the CQC confirm the accessibility to the new service providers to the different gender groups.

You may have evidence from more than one source. If so, does it present a consistent view?

Yes.

Is there anything about the Function and the way it affects Men and women which needs highlighting?

Yes

3.4.3 Gender – Consultation

Have you obtained the views of Men and women on the impact of the Function?

No

If not, why not?

There are plans to consult relevant individuals.

Have you obtained the views of relevant stakeholders on the impact of the Function on Men and women?

No

If not, why not?

There are plans to consult relevant stakeholders

Is there anything about the Function and the way it affects Men and women which needs highlighting?

Not Answered Yet

3.4.4 Gender - Additional Work

Do you think that the Function has a role in preventing Men and women being treated differently, in an unfair or inappropriate way, just because of their gender?

Not Answered Yet

3.5 Pregnancy and Maternity

3.5.1 Pregnancy and Maternity - Differential Impact

Pregnancy & Maternity Relevant

3.5.2 Pregnancy and Maternity - Impact

Describe how the Function meets the needs of Pregnant women or those who are on maternity leave?

No current data regarding this status for service users or carers.

At this stage data for staff is being collated.

The proposed new providers have confirmed that they would provide appropriate support to service users who are pregnant.

Do you have evidence to support the assessment?

Yes

Please record the type of evidence and where it is from?

Engagement with proposed new providers.

Have you received any other feedback about the Function in meeting the needs of Pregnant women or those who are on maternity leave?

No

You may have evidence from more than one source. If so, does it present a consistent view?

Not applicable

Is there anything about the Function and the way it affects Pregnant women or those who are on maternity leave which needs highlighting?

No

3.5.3 Pregnancy and Maternity – Consultation

Have you obtained the views of Pregnant women or those who are on maternity leave on the impact of the Function?

Not Answered Yet

Have you obtained the views of relevant stakeholders on the impact of the Function on Pregnant women or those who are on maternity leave?

Not Answered Yet

Is there anything about the Function and the way it affects Pregnant women or those who are on maternity leave which needs highlighting?

Not Answered Yet

3.5.4 Pregnancy and Maternity - Additional Work

Do you need any more information to complete the assessment?

Yes

Please explain what information you need.

Protected characteristics information for staff.

Is there any more work you feel is necessary to complete the assessment?

Yes

Do you think that the Function has a role in preventing Pregnant women or those who are on maternity leave being treated differently, in an unfair or inappropriate way, just because of their pregnancy and maternity?

Not Answered Yet.

Please explain what work needs to be done.

Analysis of Protected characteristics information for staff.

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?

Not Answered Yet.

3.6 Race

3.6.1 Race - Differential Impact

Race Relevant

3.6.2 Race – Impact

Describe how the Function meets the needs of Individuals from different ethnic backgrounds?

The current function provides a service to people of all racial backgrounds and ethnic groups. The proposed provision in the future will continue to be accessible for people from different ethnic backgrounds. Any specific ethnic related needs will be met by the new provider via the support plan.

Service User Data

White - UK 53%

Black-African Caribbean 17%

Pakistani 12%
Indian 6%
Irish 4%
Other Listed below 8%
Asian Other
Black African
Bangladeshi
Gypsy/Roma
Mixed Parentage - Other Mixed Background

Carers Data

White 33%
Asian 20%
Black 20%
Chinese 3%
Other/Unknown 24%

Staff Data (Total of 51 staff)

White 11
Asian 6
Black 22
Mixed 3
Unknown 9

Do you have evidence to support the assessment?

Yes

Please record the type of evidence and where it is from?

Care First service user & carer's data base. HR records for staff.

Have you received any other feedback about the Function in meeting the needs of Individuals from different ethnic backgrounds?

Yes

Please record the nature of such feedback.

The proposed new providers have confirmed that they can meet any ethnic needs identified via the service plan.

You may have evidence from more than one source. If so, does it present a consistent view?

Yes.

Is there anything about the Function and the way it affects Individuals from different ethnic backgrounds which needs highlighting?

No.

3.6.3 Race - Consultation

Have you obtained the views of Individuals from different ethnic backgrounds on the impact of the Function?

Not Answered Yet.

Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals from different ethnic backgrounds?

Not Answered Yet

Is there anything about the Function and the way it affects Individuals from different ethnic backgrounds which needs highlighting?

Not Answered Yet

3.6.4 Race - Additional Work

Do you think that the Function has a role in preventing Individuals from different ethnic backgrounds being treated differently, in an unfair or inappropriate way, just because of their ethnicity?

Not Answered Yet

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?

Not Answered Yet

3.7 Concluding Statement on Full Assessment

4 Review Date

15/05/16

5 Action Plan

5.2 Gender

Issue Higher proportion of males using the service (62%)

Action TBC

Resources TBC

Target Start Date TBC

Target Completion Date TBC

Lead Officer TBC

Recommendations TBC

Monitoring TBC

Outcomes TBC

Issue Higher proportion of female carers using the service (77%)

Action TBC

Resources TBC

Target Start Date TBC

Target Completion Date TBC

Lead Officer TBC

Recommendations TBC

Monitoring TBC

Outcomes TBC

5.3 Disability

Issue The service is to provide short breaks for those with a learning disability, however, the proposed new provision is being specifically developed to meet their individual needs.

Action TBC

Resources TBC

Target Start Date TBC

Target Completion Date TBC

Lead Officer TBC

Recommendations TBC

Monitoring TBC

Outcomes TBC

5.4 Age

Issue As would be expected family carers are generally older than the people they care for. The majority of carers are over 50 and so the changes will affect this age group proportionately more than those under 50. However, since the age of the carer is no barrier to access to service then there is not an adverse impact on the group.

Action TBC

Resources TBC

Target Start Date TBC

Target Completion Date TBC

Lead Officer TBC

Recommendations TBC

Monitoring TBC

Outcomes TBC